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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,504	11/01/2001	Arun Ramachandran	COM-002.1D	2185

7590 12/28/2004

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EXAMINER

ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/002,504

Applicant(s)

RAMACHANDRAN ET AL.

Examiner

Kambiz Abdi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

1. Claims 1-12 have been examined and are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S Patent No. 6,799,277 to David S. Colvin.

4. As per claim 1, Colvin clearly teaches a computer system for gathering and processing usage data in a usage-based resource licensing system comprising:

one or more client computers, each having installed thereon one or more resources, the usage of which is based upon one or more usage-based licenses (See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56);

one or more agent programs either installed on said client computers or other computers coupled to said client computers via any data path for gathering usage data and detecting and controlling launches of resources license monitoring (See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56);

at least one license monitoring server coupled to said client computers by any data path and programmed to receive and store usage data from said agent programs, and launch authorization request messages from said agent programs, and programmed to consult data indicating which resources are

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authorized for use and which are not, and respond to said launch authorization request messages with authorization or denial messages, and programmed to receive and store data indicating which resources are authorized for use and which are not, and programmed to receive and store instruction data indicating what types of usage data to gather for each different licensed resource, and to send messages to said agent programs indicating what types of usage data to gather about each licensed resource, and programmed to upload said usage data from time to time (See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56);

a usage measuring server coupled to said license monitoring server by any data path, and programmed to send messages to said license monitoring server indicating at least which resources are licensed for use and indicating which types of usage data to gather for each licensed resource, and programmed to receive said usage data transmitted by said license monitoring server, and store the usage data for use of each resource on each client computer in an appropriate usage data buffer (See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56).

As per claims 2-12, Colvin clearly teaches a computer system for;

usage measuring server is further programmed to use a data structure defining which resources are licensed to which users and on what terms, said terms being stored in data entries in said data structure called provisioning items, said data structure also storing said usage data which measure use and which said usage measuring server is programmed to use to generate metrics for use in collecting licensing revenues (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65).

data structure contains data which allows any distribution system to be modeled and to allow the same resource to be licensed to different users on different terms (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65).

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data structure contains data identifying entities in a distribution system and the relationships between them, if any, and data representing the resources available for licensing and the licensing terms made available by the entities that provide said resources available for licensing and data uploaded from said license monitoring server that indicates the amount of usage of licensed resources on said client computers, and data defining the entities in said distribution system which made use of the licensed resources (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65) (Colvin clearly teaches collection of multitude of data for authentication, authorization, usage determination, hardware association, user, association, as well as marketing and advertising information on distributed and registered electronic contents and software).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

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or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

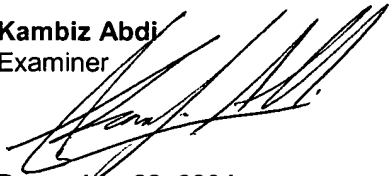
(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive**

**7th floor receptionist, Arlington, VA, 22202**

**Kambiz Abdi**  
Examiner

A handwritten signature in black ink, appearing to read 'Kambiz Abdi', written over a horizontal line.

**December 23, 2004**